

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

**IMPLICIT, LLC,**

§

*Plaintiff,*

§

**Civil Action No. 2:18-cv-53-JRG**

v.

§

**NETSCOUT SYSTEMS, INC.,**

§

*Defendant.*

§

**ORDER REGARDING EXHIBITS**

The Court enters this order *sua sponte*. Due to the voluminous exhibits expected to be tendered during the trial of this case, the Court **ORDERS** the following:

- A. On the first day of trial, each party is required to have on hand the following:
  - (1) **One (1) copy of their respective original exhibits.** Each exhibit shall be properly labeled with the following information: Identified as either Plaintiff's or Defendant's Exhibit, the Exhibit Number and the Case Number. In addition, exhibits shall be placed in properly marked letter size manilla folders and contained in a box with handles.
  - (2) **Three (3) hard copies of their exhibit list and witness list.** These lists shall reflect all pretrial evidentiary rulings and shall be tendered to the Courtroom Deputy at the beginning of trial.
- B. During trial and on a daily basis, each party shall tender to the Court a new list reflecting any additional exhibits admitted the previous day.
- C. The form of the list referenced in Paragraphs A.(2) and B. shall conform with Form AO 187 and AO 187A (*available at* <http://www.uscourts.gov/forms/other-forms>).
- D. At the conclusion of the evidentiary phase of trial, each party is to gather only those

exhibits admitted during trial and tender those to the Courtroom Deputy.

- E. At the conclusion of trial, all boxes of exhibits shall be returned to the respective parties and the parties are instructed to remove these exhibits from the courtroom.
- F. Within five business days of the conclusion of trial, each party shall submit to the Courtroom Deputy a Final Exhibit List of all exhibits admitted during trial.
- G. Within five business days of the conclusion of trial, each party shall submit to the Courtroom Deputy a disk or disks containing their respective **admitted** trial exhibits in PDF format with the exception of sealed exhibits. Sealed exhibits shall be submitted on a separate disk or disks. If tangible or over-sized exhibits are admitted, such exhibits shall be substituted with a photograph to be converted to a PDF file and shall be included in the Court's disk of admitted exhibits.
- H. After verification of final exhibit lists, the Courtroom Deputy shall file and docket the lists, and the disk or disks containing the exhibits in PDF format shall be stored in the Clerk's Office, Marshall Division.

**So Ordered this**

Dec 4, 2019



RODNEY GILSTRAP  
UNITED STATES DISTRICT JUDGE